

REMARKS/ARGUMENTS

The preceding amendments and following remarks are submitted in response to the non-final Office Action mailed March 8, 2007, setting a three month shortened period for response ending June 8, 2007. With this Amendment, claims 1, 15-16, 18, and 21 have been amended, and claims 2-14, 19-20, and 22-27 have been cancelled without prejudice. Claims 1, 15-18, and 21 remain pending in this Application. Reconsideration, examination and allowance of all pending claims are respectfully requested.

Allowable Subject Matter

In paragraph 14 of the Office Action, the Examiner objected to claims 14-18 as being dependent upon a rejected base claim, but states that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully traverses the Examiner's rejection of claims 1-21. With this Amendment, however, Applicant has amended claim 1 by incorporating claims 4 and 14 into that claim, which the Examiner indicated is allowable. In addition, Applicant has amended claim 18 by incorporating originally filed claim 1 into that claim, which the Examiner also indicated is allowable. Dependent claims 15 and 16 have been amended to now depend from amended claim 1.

With respect to the rejection of claim 21, Applicant has amended that claim to now recite that delivering a replacement disc nucleus into the intervertebral space includes inserting a hydrogel core configured to expand from a dehydrated state to a hydrated state within the intervertebral space. For at least the reasons for allowability indicated by the Examiner with respect to claim 14, Applicant submits that claim 21 is also patentable over the cited references.

Accordingly, Applicant submits that claims 1, 15-18, and 21 are in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

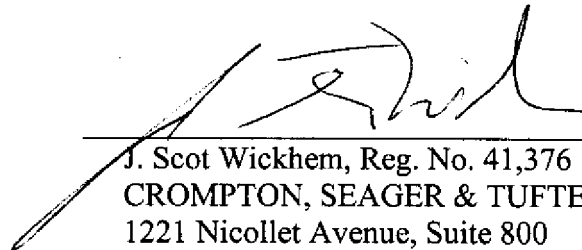
Application No. 10/693,250
Amendment dated June 8, 2007
Reply to Office Action dated March 8, 2007

Respectfully submitted,

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By his attorney,

Date: June 8, 2007



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